

MINUTES OF A REGULAR MONTHLY MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD APRIL 19, 2016

A Regular Monthly Meeting of the Lower Alloways Creek Township Committee was held on July 19, 2016 with Mayor Ellen B. Pompper calling the meeting to order at 7:30 p.m.

STATEMENT OF NOTICE GIVEN

The Township Clerk read the following statement.

This is a Regular Meeting of the Township Committee of the Township of Lower Alloways Creek being held in compliance with the "Open Public Meetings Act" N.J.S.A. 10:4-6. To insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which any business affecting them is discussed or acted upon. Advance written notice of this meeting was given by way of an Annual Notice, which was filed with the Lower Alloways Creek Township Clerk, forwarded to the South Jersey Times, posted on the Township's Website and the Bulletin Board in the lobby of the Lower Alloways Creek Township Municipal Building in compliance with said Act.

FLAG SALUTE Mayor Pompper led in the Flag Salute.

ROLL CALL OF COMMITTEE

Present: Mr. Bradway, Mr. Breslin, Mr. Palombo, Mr. Venable, and Mayor Pompper **Absent:** None

OTHERS IN ATTENDANCE:

Also in attendance were -24- (twenty-four) members of the Public including Jack Lynch, Superintendent of Public Works; Lewis Fogg, Public Works Foreman; David Sowers, Director of Public Safety; Karin Wood, Solicitor and the Township Clerk Ronald L Campbell Sr.

APPROVAL OF AUDITED VOUCHERS

Motion (Venable, Bradway) that all properly audited vouchers be paid.

The motion to pay properly audited vouchers passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the June 2016 Monthly Reports to the Township Committee have been received from the following Departments and are on file with the Clerk: Police Department, Municipal Court, Tax Collector, Sewer Collector, Construction Office, Engineer, Animal Control and Finance.

Motion (Venable, Bradway) to approve the Minutes of the Regular Monthly Meeting held June 21, 2016.

The motion to approve the Minutes of the Regular Monthly Meeting held June 21, 2016 passed a vote of the Township Committee as follows: 5-0-

Ayes: Venable, Bradway, Palombo and Pompper

Nays: none Abstain: Breslin Absent: none

RESOLUTIONS

Motion (Venable, Bradway) for Resolution 2016-74, A Resolution to authorize the use of Security Deposit Escrow Funds for Cleanup and Repairs to Unit B-8 at the Leisure Arms Complex.

RESOLUTION 2015-74

**A RESOLUTION TO AUTHORIZE THE USE OF ESCROW FUNDS FOR CLEANUP AND REPAIRS OF
UNIT B-8 AT THE LEISURE ARMS COMPLEX**

WHEREAS, the Township requires tenants of the Leisure Arms Complex to provide to the Township a "Security Deposit" (Article 17 of the Lease agreement) for which funds (\$964.00) are to be placed into an escrow account in the name of the tenant; and,

WHEREAS, the reason for the Security Deposit as found in Article 17 of the tenant's Lease is:

"The security deposit shall be held in trust by the Landlord during the term of this Lease, including any renewal or extension. It shall be used as security for the Tenant's compliance with the Tenant's obligations under this Lease. The Landlord may deduct any costs resulting from the Tenant's failure to comply with any agreement in this Lease"; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does have a written statement from the Public Works Foreman who inspected Unit B-8 and supervised its cleanup and repairs after its vacancy on or about April 7th 2016; stating that the Unit B-8 required scrubbing & cleanup of walls and surfaces, carpet replacement and re-painting as a direct result of non-compliance with the lease agreement article 5 D "To keep the premises and fixtures thereon in a clean and sanitary condition at all times, and to dispose of all trash and garbage in a sanitary manner, both in a manner as directed by Management"; and,

WHEREAS, the Township Committee of the Township of Lower Alloways Creek does therefore find that the tenant Susan B. Knight did not comply with said lease agreement and did cause damages to Leisure Arms Unit B-8.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the Security Deposit Escrow funds of Susan B. Knight, Unit B-8 tenant shall be used to reimburse the Township for cleanup and repairs to Unit B-8 as provided for in the tenant's lease agreement Article 17, signed November 2, 2015 as follows:

	<u>Item</u>	<u>reason</u>	<u>Cost</u>
1.	Carpet replacement	Cigarette Burns Pet Stains	\$ 1652.00

BE IT FURTHER RESOLVED that the Township Committee does authorize the CFO and Clerk to secure the necessary funds from the Security Deposit Escrow funds of Susan B Knight deposited in Fulton Bank to reimburse the Township for the cost of the cleanup and repairs to Unit B-8 as provided for in the tenant's lease agreement Article 17, signed November 2, 2015 and detailed within this resolution.

The motion for Resolution 2016-74, to authorize the use of Security Deposit Escrow Funds for Cleanup and Repairs to Unit B-8 at the Leisure arms Complex passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Breslin) for Resolution 2016-75, A Resolution to approve a shared services agreement with Pennsville Township for Animal Sheltering Services.

RESOLUTION 2016-75

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND PENNSVILLE TOWNSHIP FOR ANIMAL SHELTERING SERVICES.

Whereas, the Township of Lower Alloways Creek recognizes the need and benefit to its residents to have available Animal Sheltering services, and;

WHEREAS, the Township of Pennsville has Animal Sheltering facilities available to for use by the Township of Lower Alloways Creek, and;

WHEREAS the Township of Lower Alloways Creek can benefit by entering into an agreement for Animal Sheltering Services with the Township of Pennsville, and;

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds in the amount of \$7,200.00 (seven thousand two hundred) for the 2016 Budget (account # 6-01-27-340-203) and certifies the remainder of the contract amount will be appropriated in succeeding years as necessary (2017 # 7-01-27-340-203), and;

NOW THEREFORE BE IT RESOLVED by the Township of Lower Alloways Creek in the County of Salem, and the State of New Jersey that the Mayor and Clerk of the Township of Lower Alloways Creek are hereby authorized to enter into an agreement with the Township of Pennsville for Animal Sheltering Services at a cost of \$7,200.00 (seventy-two hundred) for the period of June 1, 2016 through May 31, 2017.

Mr. Venable asked if this was the best deal that could be negotiated, as he was aware that Quinton, which has a larger population, pays less a month then LAC does. Mayor Pompper stated that is was and that the monthly fee had been reduced several years ago.

The motion for Resolution 2016-75, to approve a shared services agreement with Pennsville Township for Animal Sheltering Services passed a vote of the Township Committee as follows: 4-1

Ayes: Bradway, Breslin, Palombo and Pompper

Nays: Venable Abstain: none Absent: none

Motion (Bradway, Venable) for Resolution 2016-76, A Resolution to authorize a Service Bonus Trust Account in the amount of \$20,100.00.

RESOLUTION 2016-76

A RESOLUTION AUTHORIZING A SERVICE BONUS TRUST ACCOUNT

WHEREAS, N.J.S.A. 40A:4-39 authorizes the governing body of every local unit to dedicate certain appropriations to trust funds, and;

WHEREAS the Township Committee of the Township of Lower Alloways Creek desires to dedicate funds to a Service Bonus Trust Account to meet the obligations of its employee agreements and resolution 2014-120 which authorized payment to non-union employees for their years of service, and;

WHEREAS, No funds may be appropriated or reserved unless the local unit has complied with N.J.A.C. 5:30-15.4(a). as follows:

- The amount to be appropriated is specifically reserved to the governing body. Nothing in this section shall require any specific amount to be appropriated in any given year. In addition:
- Total appropriations for compensated absences shall not exceed the value of the total accumulated absence, as determined by the chief financial officer of the local unit.
- Once appropriated, funds so reserved for compensated absence shall not be used for any other purpose unless so approved by the Local Finance Board.
- Current fund appropriations for municipalities and county governments shall be deposited into a dedicated trust fund, pursuant to N.J.S.A. 40A:4-39.
- Funds may be disbursed in accordance with the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., as necessary, to meet the obligations of the employer agreement.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower Alloways Creek, hereby authorizes the Chief Financial Officer to establish a Service Bonus Trust Account in the amount of \$20,100.00 to meet the obligations of its employee agreements and resolution 2014-120 which authorized payment to non-union employees for their years of service .

The motion for Resolution 2016-76, to authorize a Service Bonus Trust Account in the amount of \$20,100.00 passed a vote of the Township Committee as follows: 4-1

Ayes: Bradway, Venable, Palombo and Pompper

Nays: Breslin Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2016-77, A Resolution to show compliance with N.J.A.C. 5:30-6.5 certifying that the Governing Body has familiarized themselves with at least the minimum requirement of reviewing the "Findings and Recommendations" of the 2015 Audit.

RESOLUTION 2016-77
A RESOLUTION CERTIFYING THE 2015 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2015 has been filed by a Registered Municipal Accountant with the Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of 52:27BB- 52 -to wit:

R.S. 52:27BB-52 -A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office. "

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower Alloways Creek, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The motion for Resolution 2016-77, to show compliance with N.J.A.C. 5:30-6.5 certifying that the Governing Body has familiarized themselves with at least the minimum requirement of reviewing the "Findings and Recommendations" of the 2015 Audit passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) for Resolution 2016-78, A Resolution to accept the Corrective Action Plan for the "Findings and Recommendations" of the 2015 Audit.

RESOLUTION 2016-78

A RESOLUTION TO ACCEPT THE CORRECTIVE ACTION PLAN FOR THE "FINDINGS AND RECOMMENDATIONS" OF THE 2015 AUDIT.

WHEREAS, the annual report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Township of Lower Alloways Creek; and,

WHEREAS, the Audit report by statute contains "Findings and Recommendations" made by the Registered Municipal Accountant to which a Corrective Action Plan must be formulated; and,

WHEREAS, the Chief Financial Officer has made a Corrective Action Plan to the "Findings and Recommendations" of the 2015 Audit; and,

WHEREAS, the Township Committee has reviewed the Corrective Action Plan as made by the Chief Financial Officer.

NOW, THEREFORE BE IT RESOLVED THAT the Township Committee of the Township of Lower Alloways Creek does accept the Corrective Action Plan made by the Chief Financial Officer.

BE IT FURTHER RESOLVED that a copy of this resolution be distributed to the Chief Financial Officer and other agencies as required by law.

The motion for Resolution 2016-78, to accept the Corrective Action Plan for the "Findings and Recommendations" of the 2015 Audit passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper,
Nays: none Abstain: none Absent: none

OLD BUSINESS: None

NEW BUSINESS:

Motion (Venable, Bradway) to approve scholarships to Salem Community College for tuition only to the following: Matthew Beal, MacKenzie Bechtel, Michael Scioli and Taylor Waters.

Mayor Pompper commented that this might be the last time the Committee approves scholarships as the funds are almost gone.

The motion to approve scholarships to Salem Community College for tuition only to the following: Matthew Beal, MacKenzie Bechtel, Michael Scioli and Taylor Waters passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper
Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) to approve the use of the Municipal Grounds for a National NightOut Event to be held Tuesday August 2, 2016.

The motion to approve the use of the Municipal Grounds for a National Night Out Event to be held Tuesday August 2, 2016 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper
Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) to approve the purchase of four Safariland Body Armor Vests from Action Uniform at a cost of \$ 3,580.00.

The motion to approve the purchase of four Safariland Body Armor Vests from Action Uniform at a cost of \$ 3,580.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) to approve a Lease agreement with Lillian Finlaw for Unit B-8 at the Leisure Arms Complex.

The motion to approve a Lease agreement with Lillian Finlaw for Unit B-8 at the Leisure Arms Complex passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

CORRESPONDENCE: Mayor Pompper read a letter from Kaleb Vazquez thanking the Committee for the Scholarship funds he received to Salem Community College, he will be pursuing a Planning / Environmental Degree.

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Works: Mr. Lynch asked if the Committee had any questions regarding the monthly Public Works Report, if not, he had nothing further.

Public Safety: Mr. Sowers stated that the recent series of events involving police officers being killed, is felt even by our department. Mr. Sowers reminded the Committee that on the evening of August 2, 2016 the department is participating in the National Night Out, there will be free food, demonstrations and an outdoor movie.

Mr. Venable expressed that he supports the Police Department 100%.

Animal Control: Mr. Fisher stated that he was concerned that he was questioned about some of the calls he had last month. Mr. Fisher stated that he had asked to be part of the negotiations with the Pennsville Animal Shelter because of some of the issues he has had there in the past. Mr. Fisher stated that he feels we should be paying less for the shelter per month, based on what other towns pay per month, some months we may only take as few as four animals there.

PUBLIC COMMENT:

Several residents were in attendance to speak to the issues of not having good land line phone service and not having any broadband internet services.

Mr. Waters (Pecks Corner Road) stated that he had sent in an application to the Verizon bonafide retail request "BFRR" program. Mr. Waters also feels the Committee should send a letter to all the legislatures apprizing them of our situation. In addition, Mr. Waters would prefer that with the next Cable Franchise renewal that Comcast be required to hookup all LAC residents at no cost, in order for the Committee to approve their franchise renewal.

Other residents (McFarland, Ostrowski & Underwood) echoed the same sentiments and spoke of their problems with the phone land lines after it rains or is damp and the lack of good cell phone service to use as an alternative. Mayor Pompper stated that she would be attending the Public Hearing meeting on August 4th where these Verizon issues will be presented.

Mr. Underwood stated that the County and LAC for years had a program of maintaining the ditches of LAC about every three years to keep them clear and working. Mr. Underwood stated that this practice is really what has made LAC livable. In recent years we have gotten away from this practice, with the County cutting back the Mosquito Commission and nothing being maintained to the degree it once was. Mr. Underwood would like to know what is going to be done about this, are there any plans for the cleaning of the ditches. Mr. Underwood stated that from what he has read, he believes that a farmer can maintain ditches on their property without the DEP or permits being involved. Mayor Pompper asked Mr. Lynch to address this issue. Mr. Lynch stated that part of the problem in doing this work are the permits the DEP requires and he has had recent correspondence from the DEP, which he has shared with the Committee indicating that permits are in fact required for any work done. Mr. Lynch stated that he will speak directly to someone in the DEP with regards to a farmer doing his own ditch work and try to get some clarification on this issue.

CLOSED SESSION

Motion (Breslin, Venable) to convene into a Closed Session of Business 8:20 pm

RESOLUTION 2016- 79 A RESOLUTION FOR A CLOSED SESSION

BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek that a portion of the meeting of the Township Committee be closed to the public to enable the Township Committee to discuss, and where appropriate, take action concerning the following matter(s) as permitted by N.J.S.A. 10:4-12:

____ 3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____ 4. Any collective bargaining agreement, or the terms and conditions, which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____ 7. Any pending or anticipated litigation or contract negotiation other than in (4) above in which the public body is, or may become a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

More specifically, the matter to be discussed involves the following:

- A. Personnel
- B. Litigation
- C. Contracts

BE IT FURTHER RESOLVED, that the matters discussed will be available for public inspection

- A. At such time the matter is concluded
- B. At such time the matter is concluded
- C. At such time the matter is concluded

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that this Closed Session is expected to continue for fifteen (15) Minutes and that further business by the Committee will take place at its conclusion.

The motion for the Closed Session of Business passed a vote of the Committee as follows: 5-0

Ayes: Breslin, Venable, Bradway, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Breslin, Venable) to come out of the Closed Session of business. 8:35 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Venable, Bradway, Palombo and Pompper,

Nays: none Abstain: none Absent: none

BUSINESS AFTER CLOSED SESSION

Motion (Palombo, Breslin) to approve charging a resident (LB) for excessive damages to a roll-off dumpster in their use in the amount of two hundred dollars (\$200.00).

The motion to approve charging a resident (LB) for excessive damages to a roll-off dumpster in their use in the amount of two hundred dollars (\$200.00).passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Breslin, Bradway, Venable and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2016-80 A Resolution to offer employment to David Coleman, Jr. as a Summer Worker.

RESOLUTION 2016-80

A RESOLUTION TO OFFER EMPLOYMENT TO, DAVID COLEMAN, JR. AS TEMPORARY SEASONAL EMPLOYEE(S) FOR THE PUBLIC WORKS DEPARTMENT OF LOWER ALLOWAYS CREEK

WHEREAS, the Public Works Department of the Township of Lower Alloways Creek Township has asked that Temporary Summer Worker(s) be hired to fill a need for seasonal help, and;

WHEREAS, the Superintendent of Public Works and or the Public Works Foreman have recommended an applicant for said position and presented a recommendation to the Township Committee as to their desire, who be hired as Temporary Summer Worker.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the following person(s) be offered employment as Temporary Summer Worker for the Public Works Department at the rate of \$11.22 / hr:

DAVID COLEMAN, Jr.

BE IT FURTHER RESOLVED that the above person(s), be hired under the following conditions:

1. Term of Hire is from July 20, 2016 through September 30, 2016
2. The applicants are aware that this is a part-time as needed position and that, hours per day or week will vary and no set time or schedule is guaranteed.
3. The applicant must pass a physical exam by the Township Physician or Inspira Health Network physician.
4. The applicant must pass a drug test administered at a Township approved facility.
5. The applicant will acquire approved work shoes before employment.
6. The employee will report when and where the Superintendent of Public Works and or his/her designee does so instruct each work day.

7. All potential Seasonal Workers will be subject to reference and background checks prior to employment.

The motion for resolution 2016-80, A Resolution to offer employment to David Coleman, Jr. as a Summer Worker passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

ADJOURNMENT

Motion (Palombo, Breslin) to adjourn the meeting at 8:40 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the July 19, 2016 Meeting were approved at a meeting held August 16, 2016

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Clerk

By: _____
Mayor, Ellen B. Pompper